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# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

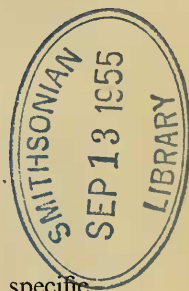
**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

VOLUME 11. Part 5. Pp. 91—102

## OPINION 355

Validation, under the Plenary Powers, of the specific name *punctata* Cuvier, 1803, as published in the combination *Laplysia* [recte *Aplysia*] *punctata* (Class Gastropoda)



LONDON :

Printed by Order of the International Trust for  
Zoological Nomenclature  
and

Sold on behalf of the International Commission on Zoological  
Nomenclature by the International Trust at its Publications Office  
41, Queen's Gate, London, S.W.7  
1955

Price Six Shillings

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 355

### A. The Officers of the Commission

*Honorary Life President* : Dr. Karl Jordan (*British Museum (Natural History), Zoological Museum, Tring, Herts., England*)

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*President* : Professor James Chester Bradley (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953)

*Vice-President* : Senhor Dr. Afranio do Amaral (*Sao Paulo, Brazil*) (12th August 1953)

*Secretary* : Mr. Francis Hemming (*London, England*) (27th July 1948)

### B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (1st January 1947)

Senor Dr. Angel CABRERA (*Eva Peron, F.C.N.G.R., Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Joseph PEARSON (*Tasmanian Museum, Hobart, Tasmania, Australia*) (27th July 1948)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History) London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a. M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

## OPINION 355

VALIDATION, UNDER THE PLENARY POWERS, OF THE SPECIFIC NAME "PUNCTATA" CUVIER, 1803, AS PUBLISHED IN THE COMBINATION "LAPLYSIA [RECTE "APLYSIA "] PUNCTATA" (CLASS GASTROPODA)

**RULING** :—(1) Under the Plenary Powers the specific name *rosea* Rathke, 1799, as published in the combination *Aplysia rosea*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 494 :—*punctata* Cuvier, 1803, as published in the combination *Laplysia* [recte *Aplysia*] *punctata*.

(3) The under-mentioned specific name is hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name No. 127 :—*rosea* Rathke, 1799, as published in the combination *Aplysia rosea* and as suppressed under the Plenary Powers under (1) above.

### I.—THE ORIGIN OF THE PRESENT CASE

The present case has its origin in an application for the use of the Plenary Powers for the validation of the generic names *Tethys* Linnaeus, 1767, and *Aplysia* Linnaeus, 1767, submitted to the Commission in 1934 by Dr. H. Engel (*Zoologisch Museum, Amsterdam, The Netherlands*). The problems involved in connection with the names dealt with in the present *Opinion* were

discussed at length in Dr. Engel's application<sup>1</sup>. That application was considered by the Commission at its Session held in Paris in 1948, and the main portion of the application, namely that relating to the foregoing generic names, was then granted by the Commission (1950, *Bull. zool. Nomencl.* 4 : 301—304). At the same time the Commission took decisions regarding the names to be used for two of the four species, the nomenclature of which was involved in Dr. Engel's application. As regards the names to be used for the two remaining species, the Commission then agreed as follows (*ibid.* 4 : 303—304) :—

- (4) without prejudice to the general principle that decisions should be given by the Commission on all questions raised in any given application and on the strict understanding that the action now to be taken should not be held available to be cited on any future occasion as a precedent in favour of dilatory procedure, to postpone for further consideration the question of fixing, under the Plenary Powers, the identity of the species to which the under-mentioned specific trivial names should apply :—

*fasciata* Poiret, 1789, as published in the binominal combination *Laplysia* [recte *Aplysia*] *fasciata* Poiret, 1789 ;

*punctata* Cuvier, 1803, as published in the binominal combination *Laplysia* [recte *Aplysia*] *punctata* Cuvier, 1803 ;

- (5) to request the Secretary to the Commission to re-submit the portion of Dr. Engel's application relating to the names specified in (4) above as soon as possible after the close of the present Session, with a view to a decision being taken by the Commission thereon without further delay.

## II.—The SUBSEQUENT HISTORY OF THE PRESENT CASE

**2. Registration of the present application :** Consequent upon the decision by the Commission that a special investigation should be

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<sup>1</sup> Dr. Engel's application is reproduced in *Opinion* 200 (the *Opinion* embodying the Ruling given by the Commission in regard to the generic names *Tethys* Linnaeus, 1767, and *Aplysia* Linnaeus, 1767) (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 3 : 239—266).

undertaken in connection with the specific name *punctata* Cuvier, 1803, as published in the combination *Laplysia* [recte *Aplysia*] *punctata* and the earlier name *rosea* Rathke, 1799, as published in the combination *Aplysia rosea*, the Registered Number Z.N.(S.) 611 was allotted to the present case.

**3. Report by Mr. Hemming on the issues involved in the present case :** It was not possible to make any progress with this case until after the publication in 1950 of the Official Record of the Proceedings of the Commission at its Session held in Paris, for it was not until then that its decisions on the main aspects of the *Tethys/Aplysia* problem were made public. Following certain preliminary inquiries regarding the present case, including a detailed re-examination of the documents in regard thereto submitted by Dr. Engel, Mr. Hemming prepared in the autumn of 1951 a Report in which he dealt jointly with the problem raised in the present case and in the other portion of Dr. Engel's original application which he had been asked by the Commission to investigate, namely that relating to the name *fasciata* Poiret, 1789, as published in the combination *Laplysia* [recte *Aplysia*] *fasciata*. The following is an extract from Mr. Hemming's Report of the portion concerned with the present case.

**Future status to be accorded to the trivial names "fasciata" Poiret, 1789, as published in the combination "Laplysia [recte "Aplysia"] fasciata" and "punctata" Cuvier, 1803, as published in the combination "Laplysia [recte "Aplysia"] punctata"**  
(Class Gastropoda)

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

46. At its Session held in Paris in 1948 the International Commission on Zoological Nomenclature had under consideration an application<sup>2</sup> submitted by Dr. H. Engel (*Zoologisch Museum, Amsterdam*) for the use of the Plenary Powers for the purpose of determining the future use of the generic names *Tethys* and *Aplysia*, each of which had been used by some authors for a well-known genus of Tectibranchs and by other authors for an equally well-known genus of Nudibranchs. All cases

<sup>2</sup> See footnote <sup>1</sup>.



of this kind turn upon what species should under the *Règles* be recognised as the type species of the nominal genus concerned. The present case is greatly complicated, however, by doubts regarding the taxonomic species represented by the various nominal species concerned and by the existence of several nominal species which are either unrecognisable or bear trivial names which, despite their undoubted rights under the Law of Priority, are not in use and have virtually never been used. The present problem was originally brought to the attention of the International Commission by the inclusion of the names in question in the list of suggested *nomina conservanda* brought forward by the late Commissioner Karl Apstein (Berlin) but rejected by the Commission on the ground that the Plenary Powers could not be used for validating long lists of names submitted *en bloc*, it being necessary to submit each such case individually with adequate supporting data (see *Opinion 74*, published in 1922, *Smithson. misc. Coll.* 73(No. 1) : 32—34). Later, the names were in fact so submitted by Dr. Engel but, as at that time the Commission possessed no means of giving publicity for so long a paper as that prepared by Dr. Engel, it was arranged that as a first step that paper should be published elsewhere. Under this arrangement Dr. Engel's application was published under the title "On the names of the genera *Tethys* and *Aplysia*" in 1936 (Engel, 1936, *Temminckia* 1 : 221—266). In that application Dr. Engel submitted proposals, involving an extensive use of the Plenary Powers ; these proposals dealt with (1) the stabilisation of the names *Tethys* and *Aplysia* and the designation, as the respective type species of those genera, of species in harmony with current usage, and (2) the determination of the trivial names to be used for the three Tectibranch species and the one Nudibranch species involved in this complex problem. The greater part of the subject dealt with in Dr. Engel's application formed the subject of decisions taken by the International Commission at its Paris Session, but two of the constituent problems were then left over for further consideration. The purpose of the present note is to draw the attention of interested specialists to the two problems which the Commission at Paris referred back for further consideration, and, in accordance with the decision taken in Paris, to seek the views of specialists as to the solution which it is desirable should be adopted in regard to these names.

47. The history of the names given to, and used by later authors for, each of the four species (three Tectibranchs and one Nudibranch) involved in the *Tethys/Aplysia* problem is set out in great detail in Dr. Engel's *Temminckia* paper, to which reference is necessary for the purpose of examining the full bibliographical history of the two names with which the present inquiry is concerned. We have first to note that in Paris the International Commission used its Plenary Powers for the purpose of determining the name to be used for the first of the three Tectibranch species dealt with in Dr. Engel's paper (which we may conveniently refer to as Species T.1) and for the Nudibranch

species (here called species N.1). Under that decision the name *Aplysia depilans* Gmelin, 1791, became the correct name for species T.1, the species so named becoming the type species of the genus *Aplysia* Linnaeus, 1767, while the name *Tethys fimbria* Linnaeus, 1767, became the correct name for species N.1, the species so named becoming the type species of the genus *Tethys* Linnaeus, 1767 (the name *Tethys* Linnaeus, 1758, being at the same time suppressed under the Plenary Powers). The two species, the names for which were left over for further consideration were the species T.2 and the species T.3. It is the names to be used for these species that the present Report is concerned to ascertain. The data submitted to the Commission on this subject are briefly summarised in the following paragraphs.

. . . . .

**49. The name to be used for the Tectibranch species "T.3" :** Dr. Engel pointed out ( : 246) that, as first noted by Odhner (in 1907), the oldest available name for species T.3 was *Aplysia rosea* Rathke, 1799 (*Skr. Nat. Selsk.* 5(1) : [85], 147) but that the great majority of subsequent authors (92 papers) had used the name *Aplysia punctata* Cuvier, 1803 (*Ann. Mus. Hist. nat.*, Paris 2(10) : 310) ; Dr. Engel added that there were some trivial names of later date which were subjective synonyms of *punctata* Cuvier but these had been used by only a few authors and had been dropped as soon as their synonymy with *punctata* Cuvier had been established. Dr. Engel accordingly asked for an *Opinion* prescribing the use of the name *punctata* Cuvier in place of the name *rosea* Rathke as the trivial name of species T.3.

**50. Questions put to specialists for advice :** When we compare the position as regards the names *Laplysia* [recte *Aplysia*] *fasciata* Poiret, 1789, and *Aplysia punctata* Cuvier, 1803 ; as submitted to the International Commission by Dr. Engel (as summarised in paragraphs 48 and 49 above<sup>3</sup>) with the decisions taken by the Commission at its Paris Session (1950, *loc. cit.* 4 : 303), we find : (1) that the decisions then taken to suppress all uses of the trivial names *leporina* and *limacina* in the genus *Tethys* leave the trivial name *fasciata* Poiret, 1789 (as published in the combination *Laplysia* [sic] *fasciata*) as indisputably the oldest available name for the species T.2 ; (2) that none of the decisions taken in Paris have any bearing on the status to be accorded to the trivial name *punctata* Cuvier, 1803, in relation to the species T.3. On the basis of the information supplied by Dr. Engel there appears to be strong grounds in favour of the use of the Plenary Powers (as proposed in the application) for the purpose of suppressing the long-neglected (and not currently used) trivial name *rosea* Rathke,

<sup>3</sup> Paragraph 48 is concerned with the name to be used for the Tectibranch species T.2. It is quoted in full in paragraph 3 of *Opinion* 354 (see pages 85—86 of the present volume).

1799, as published in the combination *Aplysia rosea*, thereby making the trivial name *punctata* Cuvier, 1803, as published in the combination *Laplysia* [sic] *punctata*, the name which is currently applied to the species T.3 and which has been almost consistently so applied ever since 1803, the oldest trivial name available, either subjectively or objectively, for that species. To sum up (a) there no longer seems to be any point of substance to put to specialists as regards the trivial name to be used for the species T.2 and the question now put to specialists is therefore whether there is any reason not so far brought to light why the trivial name *fasciata* Poiret, 1789, should not now be stabilised as the correct trivial name for the species T.2 by being placed on the *Official List of Specific Trivial Names in Zoology*; (b) as regards the species T.3, the question now put to specialists is whether it is desirable that the trivial name *rosea* Rathke, 1799, should be suppressed under the Plenary Powers in order to render the customary name *punctata* Cuvier, 1803, the oldest available name for the species T.3.

**4. Publication of Mr. Hemming's Report :** Mr. Hemming's Report in the present case was sent to the printer on 1st October 1951 and was published in Double Part 7/8 of volume 7 of the *Bulletin of Zoological Nomenclature* on 15th April 1952 (Hemming, *Bull. zool. Nomencl.* 7 : 212—215).

**5. Issue of Public Notices :** Under the revised arrangements prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56) Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 15th April 1952 both in Double Part 7/8 of volume 7 of the *Bulletin of Zoological Nomenclature* (the Part in which Mr. Hemming's Report was published) and also to the other prescribed serial publications. In addition, such Public Notice was given to a number of general zoological serial publications.

**6. Comments received in the present case :** The appeal to specialists for advice made at the end of Mr. Hemming's Report (paragraph 3 above), coupled with the issue of the Prescribed Public Notices (paragraph 5 above) elicited comments from two specialists, each of whom supported the action recommended by Dr. Engel, as summarised in Mr. Hemming's Report. The specialists in question were : (1) Dr. Joshua L. Baily, Jr. (*San*



*Diego, California, U.S.A.*); (2) Dr. Henning Lemche (*Universitetets Zoologiske Museum, Copenhagen*). The comments so received are reproduced in the immediately following paragraphs. No objection to the action proposed was received from any source.

**7. Support received from Dr. Joshua L. Baily, Jr. (San Diego, California, U.S.A.) :** On 24th June 1952 the following letter of support was received from Dr. Joshua L. Baily, Jr. (*San Diego, California, U.S.A.*) :—

Z.N.(S.) 610 and 611 : I agree completely with the arguments advanced, and recommend action to stabilise the names *Aplysia fasciata* and *Aplysia punctata*.

**8. Support received from Dr. Henning Lemche (Universitetets Zoologiske Museum, Copenhagen) :** On 18th July 1952 Dr. Henning Lemche (*Universitetets Zoologiske Museum, Copenhagen*) addressed the following letter to the Commission in support of Dr. Engel's proposals :—

The name *Aplysia rosea* Rathke, 1799, has been so little used in the literature that it would seem to me—even as a countryman to Rathke—as confusing and at least not worth while, to try to reinforce that name. So, I am in favour of Dr. Engel's proposal to suppress it in order to validate the name *punctata* Cuvier, 1803. As a specialist in Opisthobranchs, I have found the names of the Aplysiids of the Northern Atlantic most confusing, and I fully support Dr. Engel's proposals for putting an end to the troubles.

### III.—THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

**9. Issue of Voting Paper V.P.(54)21 :** On 6th March 1954 a Voting Paper (V.P.(54)21) was issued in which the Members of

the Commission were invited to vote either for, or against, "the proposal relating to the name *punctata* Cuvier, 1803, as published in the combination *Laplysia punctata*, set out at the foot of the present Voting Paper". The proposal so set out was the following :—

### Draft Ruling

(1) Under the Plenary Powers the specific name *rosea* Rathke, 1799, as published in the combination *Aplysia rosea*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The specific name *punctata* Cuvier, 1803, as published in the combination *Laplysia punctata*, is hereby placed on the *Official List of Specific Names in Zoology*.

(3) The specific name *rosea* Rathke, 1799, as published in the combination *Aplysia rosea* and as suppressed under the Plenary Powers under (1) above, is hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology*.

**10. The Prescribed Voting Period :** As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 6th June 1954.

**11. Particulars of the Voting on Voting Paper V.P.(54)21 :** The state of the voting on Voting Paper V.P.(54)21 at the close of the Prescribed Voting Period was as follows :—

(a) *Affirmative Votes had been given by the following eighteen (18) Commissioners (arranged in the order in which Votes were received) ;*

Holthuis ; Hering ; Riley ; Lemche ; Vokes ; do Amaral ; Esaki ; Dymond ; Bonnet ; Boschma ; Hemming ; Mertens ; Pearson ; Bradley (J.C.) ; Sylvester-Bradley ; Hankó ; Stoll ; Cabrera ;

(b) *Negative Votes* :

None ;

(c) *Voting Paper not returned, one (1)* :

Jaczewski<sup>4</sup>.

**12. Declaration of Result of Vote :** On 7th June 1954, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(54)21, signed a Certificate that the Votes cast were as set out in paragraph 11 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

**13. Preparation of the Ruling given in the present "Opinion" :** On 29th January 1955 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(54)21.

**14. Original references :** The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

*punctata*, *Laplysia*, Cuvier, Aug. 1803, *Ann. Mus. Hist. nat.*, Paris 2(10) : 310. .

*rosea*, *Aplysia* Rathke, 1799, *Skr. Nat. Selsk.* 5(1) : 85, 147

**15.** As the present case is concerned only with certain specific names, no question of placing names on the *Official List of Family-Group Names in Zoology* arises for consideration.

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<sup>4</sup> After the close of the Prescribed Voting Period a negative vote was received (on 12th June 1954) from Commissioner Jaczewski who wrote : " I do not see sufficient reason to suppress the name *rosea* Rathke, 1799. Prof. Dr. St. Feliksiak is of the same opinion ".

16. At the time of the submission of the application dealt with in the present *Opinion*, the expression prescribed for the second portion of the binomen which constitutes the scientific name of a species was the expression "trivial name" and the *Official List* reserved for recording such names was styled the *Official List of Specific Trivial Names in Zoology*, the word "trivial" appearing also in the title of the *Official Index* reserved for recording rejected and invalid names of this category. Under a decision taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953, the expression "specific name" was substituted for the expression "trivial name" and corresponding changes were made in the titles of the *Official List* and *Official Index* of such names (1953, *Copenhagen Decisions zool. Nomencl.* : 21). The changes in terminology so adopted have been incorporated in the Ruling given in the present *Opinion*.

17. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

18. The present *Opinion* shall be known as *Opinion Three Hundred and Fifty-Five (355)* of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-Ninth day of January, Nineteen Hundred and Fifty-Five.

*Secretary to the International Commission  
on Zoological Nomenclature*

**FRANCIS HEMMING**